

**UNITED STATES DISTRICT MIDDLE DISTRICT OF PENNSYLVANIA**

Ronald Reagan Federal Bldg. & U.C. Courthouse  
228 Walnut Street  
P.O. Box 983  
Harrisburg, PA 17101

**COMPLAINT FOR EMPLOYMENT DISCRIMINATION**

Case No. 1:17-CV-2096

**I. The Parties to This Complaint**

**A. The Plaintiff(s)**

Name Monica Niculcea  
Street Address P. O. Box 12992  
City and County Reading, Berks  
State and Zip Code Pennsylvania, 19612  
Telephone Number (610)-750-7610  
E-mail Address eagle8182001@yahoo.com

Chief Judge Conner  
MJ Mehalchick

**FILED**  
HARRISBURG, PA

NOV 15 2017

DDA

**B. Defendant(s)**

Name Stone Ridge Towne Center, (Retirement Living)  
New Dawn Christian Community Services,  
Street Address 440 E. Lincoln Ave.  
City and County Myerstown, Lebanon  
State and Zip code Pennsylvania, 17067  
Telephone Number (717)-866-3200

**II. Basis for Jurisdiction**

This action is brought for discrimination in employment pursuant to Title VII, the Americans with Disabilities Act of 1990, as codified, 42 U.S.C. §§ 12112 to 12117. The Generic Information Nondiscrimination Act, or the Age Discrimination in Employment Act of 1967, as codified, 29 U.S.C. §§ 621 to 634. Title VII of Civil Rights Act of 1964, as codified, 42 U.S.C. §§ 2000e to 17) race, color, gender, religion, national origin). Action of discriminate on against an employee with disabilities of any type in the work place, filed under 42 U.S.C. § 12117. Action of discrimination against an individual with disabilities in areas other than employment, filed under 42 U.S.C. § 12133 (exclusion or discrimination in provision of services, programs or activities of a public entity) or 42 U.S.C. § 12188 9public accommodations).

Plaintiff obtained a Notice of Right to Sue letter from the Equal Employment Opportunity Commission, and stated that Plaintiff lawsuit must be filed within 90

days of her receipt of this notice. Notice of Suit Rights was issued on August 18, 2017.

### **III. Statement of Claim:**

Plaintiff obtained work injuries on March 15, 2013 and May 10, 2013 and she became disable due to work related injuries, and obtained Doctors work restriction notes which she gives it to company administration. On November 19, 2013 Plaintiff requested to accommodate her disability, the company administration refused to accommodate her disability and on April 29, 2014 she was terminated from her employment.

Plaintiff applied for Social Security Disability after her termination from her employment, and she continue on Social Security Disability.

On November 10, 2013 Plaintiff reported Gayle Cooper, RN supervisor to the Administrator Mr. Dave Johnson, that she posted on Facebook a picture with the patient slipping and bruises on arms, without patient or her legal representative permission which is in violation with HIPPA regulation and violated company's policy.

On April 29, 2014 Mr. Dave Johnson terminated the Plaintiff in less than fifteen (15) minutes in retaliation, this is less than six (6) months after reported to him that her co-worker violated company's policy and HIPPA law and regulations. The administrator terminated the Plaintiff base on false accusation due to her disability and that she reported to him other worker for breaking out Law.

Plaintiff obtained Social Security Disability after her termination. Plaintiff ambulated with the cane due to her disability and the company administration does not like it, also, she asked Linda Carter, Director of Nurse for accommodation such as: Scooter and parking close to building which was not available at termination date April 29, 2014. Mr. Johnson refused to let Plaintiff to explain to him her version of story and terminated her in less than 15 minutes due to her disability and used other co-worker to lie about plaintiff as a tool for termination of her employment.

### **IV. Exhaustion of Federal Administrative Remedies**

- A. It is my best recollection that I filled a charge with the Equal Employment Opportunity Commission or my Equal Employment opportunity counselor regarding defendant's alleged discriminatory conduct on 2013, 2014 and 2017.
- B. The Equal Employment Opportunity Commission issued a Notice of Right to Sue letter, which I received on August 18,2017

### **V. Relief**

Petitioner worked for defendant from January 06, 2003 till April 29, 2014 when she was terminated. From July 06, 2005 she work as a Register Nurse Supervisor and on May 2011 she obtained her degree as a Bachelor of Science in Nursing (BSN). Also on 2011 she obtained Recognition by International Association of Nursing as a Worldwide Leader in Health Care.

Plaintiff lost her earning power, she receiver \$ 30.52 per hours and worked 32 hours per week plus 30 minutes to one (1) hour for reports at change of shifts, and sating late to help with admissions or other needs. Plaintiff lost her earning power from April 29, 2014 to May 17, 2017. Also, Plaintiff lost her health benefits (benefit Dollars), 401 (K)% matching benefits, Holiday Working benefits, and Paid Time Off benefits due to termination. On 2010 her income was \$ 61,688.16 and her hourly pay was \$ 27, 85. On 2011 her income was \$ 61,841.80 and her hourly rate was \$ 28.53. On 2012 her yearly income was \$ 59,356.66. On 2013 from May 10, 2013 to November 05, 2013 Plaintiff did not received any income and she was out of work due to her disabilities. On 2014 she was paid \$ 20,155.49 from January to Apryl 2014, (this is for four (4) months. Average salary lost from 2014 to 2017 is equal with \$ 180, 000.00 plus others benefices such health coverage (benefit dollars), 401(k)%, Pay time off, and holidays work benefits. Plaintiff is entitled to \$ 3000,000.00 actual or punitive money damages plus interest on the money.

#### IV. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complain: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary for future investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

##### A. For Parties Without Attorney.

I agree to provide the Clerk's office with any change to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of Signing: November 13, 2017

Signature of Plaintiff

Monica Niculescu

Printed Name of Plaintiff

Monica Niculescu

EEOC Form 161 (11/16)

## U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

## DISMISSAL AND NOTICE OF RIGHTS

To: **Monica Niculcea**  
**P.O. Box 12992**  
**Reading, PA 19612**

From: **Philadelphia District Office**  
**801 Market Street**  
**Suite 1300**  
**Philadelphia, PA 19107**



On behalf of person(s) aggrieved whose identity is  
**CONFIDENTIAL (29 CFR §1601.7(a))**

EEOC Charge No.

EEOC Representative

Telephone No.

17F-2014-61361

**Natasha Abel,**  
**State & Local Program Manager**

(215) 440-2650

## THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.




Other (briefly state)

## - NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

**Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act:** This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

**Equal Pay Act (EPA):** EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

  
 On behalf of the Commission

August 18, 2017

Enclosures(s)

**Spencer H. Lewis, Jr.,**  
**District Director**

(Date Mailed)

cc: **STONERIDGE TOWNE CENTRE**

**Rashmee Sinha, Esq.**  
**Peckar & Abramson**  
**70 Grand Avenue**  
**River Edge, NJ 07661**

**Jennifer L. Prior, Esq.**  
**Kraemer, Manes & Associates LLC**  
**1150 1st Avenue Suite 501**  
**King Of Prussia, PA 19406**

**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**Philadelphia District Office**

801 Market Street, Suite 1300  
Philadelphia, PA 19107-3127

**EXPLANATION OF DISMISSAL AND NOTICE OF RIGHTS**

**PLEASE READ THE FOLLOWING INFORMATION CAREFULLY!!!**

You filed a charge of employment discrimination with the **Pennsylvania Human Relations Commission (PHRC)**. At the time you filed your charge with PHRC, you were notified in writing by PHRC that PHRC would dual-file your charge for you with the U.S. Equal Employment Opportunity Commission (EEOC). This dual-filing was done in order to preserve your right to file a lawsuit in Federal District Court. PHRC processed your charge and notified you in writing of the reason for its closure of your charge. (If you believe that you did not receive a closure notice from PHRC, **contact the PHRC office where you filed your charge, not EEOC**). PHRC then notified EEOC of the closure of your charge, and the reason for the closure. Based on this notification, EEOC has reviewed and adopted the PHRC's findings, and has closed the dual-filed EEOC charge.

Therefore, based on this closure, EEOC has issued to you the attached "Dismissal & Notice of Rights", which advises you that "EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge" (in your case, this is PHRC). This Dismissal & Notice of Rights from EEOC authorizes you to file a lawsuit in Federal District Court within 90 days if you choose to do so (please note, however, that you are not obligated to file a lawsuit). EEOC does not encourage or discourage such legal action; the decision is entirely up to you.

**IF YOU WISH TO FILE A LAWSUIT**, you must do so with a Federal District Court within 90 days of the date you received the Dismissal & Notice of Rights, not the date it is dated (it is recommended that you keep the envelope with the post mark). If you intend to consult an attorney, do so promptly. If you do not have an attorney, you may contact the EEOC Legal Unit at (215) 440-2828 in order to obtain a list of local attorneys. However, you are responsible for all legal fees, and you are also responsible for ensuring that your lawsuit is filed within 90 days.

If you are going to file a lawsuit and want to obtain a copy of the documents and other information contained in your PHRC case file, you must make your request in writing to:

Director of Compliance  
PA Human Relations Commission  
P. O. Box 3145  
Harrisburg, PA 17105

**IF YOU DO NOT WISH TO FILE A LAWSUIT**, you need do nothing, but it is recommended that you keep the Dismissal & Notice of Rights for your records. The Dismissal & Notice of Rights will automatically expire in 90 days from your date of receipt.